

House State & Local Government Committee Amendment No. 1

Amendment No. 1 to HB2807

Jones U (Shel)
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2713*

House Bill No. 2807

By adding the following new section immediately preceding Section 1 and by renumbering subsequent sections accordingly:

SECTION 1. As used in this act, unless the context otherwise requires:

(1) The term "consulting services" with respect to an official in the legislative branch, an official in the executive branch, or the immediate family of either type of official, includes services for influencing legislative or administrative action as such term is defined in §3-6-102(10) or providing consulting services for any purpose, including services to advise or assist such person or entity in maintaining, applying for, soliciting or entering into a contract with the state.

(2) The term "consulting services" with respect to a municipal or county official, or the immediate family of either type of official, includes services for influencing legislative or administrative action or providing consulting services for any purpose, including services to advise or assist such person or entity in maintaining, applying for, soliciting or entering into a contract with the municipality or county represented by such official. For purposes of this subdivision, the term "influencing legislative or administrative action" includes promoting, supporting, influencing, modifying, opposing or delaying any action of the county or municipality which the official represents by any means, including, but not limited to, the provision or use of information, statistics, studies, or analyses, but not including the furnishing of information, statistics, studies, or analyses requested by a municipal or county official to such official or the giving

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of testimony by an individual testifying at an official hearing conducted by officials of the county or municipality.

(3) The term "immediate family" has the same meaning as such term is defined in §3-6-102(9).

(4) The term "official in the executive branch" means the governor, any member of the governor's staff or any person in the executive service as such term is defined in §8-30-208(b).

(5) The term "official in the legislative branch" has the same meaning as such term is defined in § 3-6-102(16).

AND FURTHER AMEND BY designating subsection (a) of the new Section 2-20-119 in the amendatory language in Section 1 of the printed bill as subdivision (a)(1), by deleting the language in subsection (a) of the printed bill up to the colon and substituting instead the following language:

If any person or other entity that does business with the state of Tennessee in any capacity, any subsidiary of such person or entity, any entity that contracts with such person or entity or any entity that contracts with an entity that contracts with such person or entity, pays a fee, including a retainer, commission or any other form of compensation to an official in the legislative branch, an official in the executive branch, or the immediate family of either type of official, for consulting services, then such person or entity, or subsidiary or contractor of such person or entity shall disclose the following to the registry of election finance:

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AND FURTHER AMEND subsection (a) of Section 1 of the printed bill by adding the following new subdivision:

(2) If any person or other entity that does business with a municipality or county within the state of Tennessee in any capacity, any subsidiary of such person or entity, any entity that contracts with such person or entity or any entity that contracts with an entity that contracts with such person or entity, pays a fee, including a retainer, commission or any other form of compensation to a municipal or county official, or the immediate family of either type of official, for consulting services, such person or entity, or subsidiary or contractor of such person or entity shall disclose to the registry of election finance the same information for such officials as required pursuant to subdivision (1) for officials in the legislative or executive branch.

AND FURTHER AMEND by designating subsection (a) of the new Section 2-20-120 in the amendatory language of Section 1 of the printed bill as subdivision (1) and by adding the following language to subsection (a) to be designated as subdivision (2):

(2) Any member of a municipal or county legislative body or member elect of a municipal or county legislative body who receives a fee, including a retainer, commission or any other form of compensation for consulting services from a person or entity doing business with the municipality or county represented by such official, any subsidiary of such person or entity, any entity that contracts with such person or entity or any entity that contracts with an entity that contracts with such person or entity, shall be required to make the same disclosure required by § 2-10-119. The registry of election finance may devise a new form for disclosure of consulting fees by members of a municipal or county

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legislative body or members elect of a municipal or county legislative body or may modify the one required by § 2-10-119 for use by all parties required to disclose.

AND FURTHER AMEND by designating subsection (c) of the new Section 2-20-120 in the amendatory language of Section 1 of the printed bill as subdivision (1) and by adding the following language to subsection (c) to be designated as subdivision (2):

(2) It is a Class A misdemeanor for a member of a municipal or county legislative body or member elect of a municipal or county legislative body to receive a fee, including a retainer, commission or any other form of compensation for consulting services from a person or entity doing business with the municipality or county represented by such official, a subsidiary of such person or entity, an entity that contracts with such person or entity or an entity that contracts with an entity that contracts with such person or entity, and knowingly fail to disclose such fee as required by this section.

AND FURTHER AMEND by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION ____ The provisions of this act do not apply to:

(1) The services or actions of a person to whom this act otherwise would apply, if such person, with respect to such service or action, files a disclosure in accordance with the provisions of Tennessee Code Annotated, Title 3, Chapter 6, Part 1;

(2) The services or actions of a member of the general assembly or member elect of the general assembly, which do not meet the definition of consulting services, and which are properly disclosed in accordance with the provisions of Tennessee Code Annotated, Title 8, Chapter 50, Part 5; and

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(3) The services or actions of a person to whom this act otherwise would apply, if such person is paid a fee, including a retainer, commission or any other form of compensation and the information required by the provisions of this act is a public record and is contained in a document which is filed in a location easily accessible by a member of the public.